

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7670

Petition of twenty Vermont utilities and Vermont Public)
Power Supply Authority requesting authorization, pursuant to)
30 V.S.A. Section 248, for the purchase of shares of 218 MW)
to 225 MW of electricity of H.Q. Energy Services (U.S.) Inc.,)
commencing November 1, 2010, and continuing through)
2038, issuance of findings that such purchases are entitled to)
rate recovery assurance, and requesting certain approvals)
under 30 V.S.A. Section 108)

Order entered: 9/23/2010

ORDER RE INTERVENTIONS AND ADMISSION *PRO HAC VICE*

On September 17, 2010, International Business Machines Corporation ("IBM") filed a Motion to Intervene and a Motion for Admission of Counsel *Pro Hac Vice*. In its intervention motion, IBM asserts that it has a substantial interest in this proceeding due to impacts on its electric rates, and requests that it be permitted to intervene pursuant to Public Service Board ("Board") Rule 2.209(B).

On September 20, 2010, Conservation Law Foundation ("CLF") filed a Motion to Intervene requesting that it be granted intervention of right pursuant to Board Rule 2.209(A) or, in the alternative, permissive intervention under Board Rule 2.209(B). CLF contends that it and its members have substantial interests in whether the proposed purchase of electricity will promote the general good of the state, "in ensuring that the degradation of the natural environment resulting from the provision of electricity in Vermont and the region is minimized," in encouraging cost-effective efficiency and conservation, and in economic impacts on ratepayers.¹

1. CLF Motion at 2–3.

On September 21, 2010, certain of the Petitioners² and the Department of Public Service filed responses to the IBM and CLF motions to intervene. Neither the Petitioners nor the Department object to IBM's and CLF's intervention on a permissive basis. However, with respect to CLF's intervention the Petitioners contend that, based on Board precedent, "environmental impacts under 30 V.S.A. § 248(b)(5) are inapplicable to power purchase contracts for the purchase of power from out-of-state" ³ The Petitioners therefore assert that "any purported environmental impacts associated with the PPA are beyond the scope of this docket and do not form a basis for intervention." ⁴

We grant IBM's and CLF's motions to intervene, on a permissive basis, pursuant to Board Rule 2.209(B), limited to the interests each identifies in its motion. As for the Petitioners' contention that environmental impacts are beyond the scope of this proceeding, we need not resolve in this Order the extent to which environmental impacts are relevant to our review. ⁵

In its motion for admission of counsel, IBM seeks the admission *pro hac vice* of Leonard H. Singer, Esq., and William J. McCarthy, Jr., Esq., for the purpose of representing IBM in this docket. IBM's motion was accompanied by a notice of appearance and affidavits establishing that Mr. Singer and Mr. McCarthy are both attorneys in good standing of the bar of the State of New York. The motion was made by William Alexander Fead, Esq., an attorney admitted to practice in Vermont who has entered a notice of appearance as co-counsel of record in this proceeding. The motion complies with the requirements of Board Rule 2.201(C). ⁶ Accordingly, it is granted.

SO ORDERED.

2. Central Vermont Public Service Corporation, Green Mountain Power Corporation, Vermont Electric Cooperative, Inc., Vermont Marble Power Division of Omya, Inc., Town of Stowe Electric Department, and the City of Burlington Electric Department.

3. Petitioners' Response at 3.

4. *Id.* at 3.

5. We note, however, that in Docket No. 5330 we held that we could consider certain environmental impacts of an out-of-state power purchase in determining whether, in accordance with 30 V.S.A. § 248(a)(1), the purchase would promote the general good of the state. Docket No. 5330, Order of 9/21/89 at 12–15.

6. Board Rule 2.201(C) provides:

An attorney admitted to practice and in good standing in any other state or American or common law jurisdiction may appear in particular matters with the permission of the Board, provided that such attorney must have co-counsel of record who is admitted to practice in Vermont.

Dated at Montpelier, Vermont, this 23rd day of September, 2010.

<u>s/ James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/ David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/ John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: September 23, 2010

ATTEST: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)